

A Regular Meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the seventh day of January 2004, at 7:30P.M, and there were present:

PRESENT: Stanley J. Keysa, Chairman
Rebecca Anderson, Member
John P. Gober, Member
Lawrence Korzeniewski, Member
Michael Myszka, Member
Steven Socha, Member
Melvin Szymanski, Member

EXCUSED: None

ALSO PRESENT:

Town Board Members: Donna G. Stempniak

Other Elected Officials: None

Town Staff: Robert Labenski, Town Engineer
Jeffrey H. Simme, Building & Zoning Inspector
Mary Nowak, Recording Secretary

Meeting #1
January 7, 2004

Planning Board Members: Stanley J. Keysa, Chairman
Rebecca Anderson
John P. Gober
Lawrence Korzeniewski
Michael Myszka
Steven Socha
Melvin Szymanski

Town Board Members: Robert H. Giza
Daniel Amatura
Mark A. Montour
Ronald Ruffino, Sr.
Donna G. Stempniak

Town Engineer: Robert Labenski

Town Attorney: Richard J. Sherwood

Building & Zoning Inspector: Jeffrey H. Simme

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held January 7, 2004. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting, and may be amended before approval.

Sincerely yours,

Stanley J. Keysa,
Planning Board Chairman

SJK:mn

Meeting called to order by Chair Keysa at 7:30 PM. Motion was made by Michael Myszka to approve the minutes from the December 3, 2003 Planning Board Meeting. Motion seconded by Steven Socha and unanimously carried.

Administrative - Chair Keysa told the Planning Board that he has been re-appointed as Chairman of the Planning Board for 2004. Member Rebecca Anderson was also re-appointed to the Planning Board for a 7-year term.

2004 Planning Board Meeting Schedule - Chair Keysa asked the Planning Board members to look over the proposed dates set for the 2004 Planning Board Meeting Schedule. A motion was made by Steven Socha to accept the 2004 Planning Board Meeting Schedule as presented. Motion was seconded by John Gober and unanimously carried.

COMMUNICATIONS:

ACTION ITEMS -

SITE PLAN REVIEW - KOHL'S DEPARTMENT STORE, INC., 4827 & 4839 TRANSIT ROAD, PROPOSED CONSTRUCTION OF DEPARTMENT STORE. CONTACT PERSON: ROBERT DOREN, SITE DEVELOPMENT MANAGER & PAUL COLUCCI. TOTAL BUILDING AREA 96,077 SQ. FT.

Paul Colucci, representing Kohl's Department Store, presented to the Planning Board the site plan for the proposed 96,077 sq. ft. on the 11.5 acre front parcel at 4827 & 4839 Transit Road. There are no plans for the back property at this time. Mr. Colucci told the Planning Board that the building would be constructed on the east side of the parcel with the parking lot on the west side. All four sides of the building will be accessible to emergency vehicles. This project will have sprinklers and private hydrants. The signalized entrance will have one entrance lane and two exit lanes. Mr. Colucci said that Kohl's will be working with the New York State Dept. of Transportation. All utilities for this project will be accessed from the east side of Transit Rd. The stormwater system will collect and run off to a detention pond adjacent to the entrance of the building. The Planning Board recommended an aeration pump in the detention pond. Town Engineer Robert Labenski stated that all requirements for stormwater drainage have been met. Chair Keysa referred to communication 1-7-07 from Crew Chief Terrence McCracken recommending additional plantings along the north side of the property and fencing. The Planning Board also requested additional screening along the east side of the property and suggested that the plantings be in groups or clusters. Lighting - Mr. Colucci told the Planning Board that the proposed height of the light fixtures would be 42', and that a variance has been applied for to the Zoning Board of Appeals. After a brief discussion, Chair Keysa polled the Planning Board regarding the light fixture height and they unanimously agreed that the 42' height was unacceptable. The Planning Board recommended that the height of the light fixtures be 32' including the standards with flatlenses, as recently approved by the ZBA for the Gateway Retail Center, NEC Transit-William. Mr. Colucci also stated that the lighting will be on a timer. Only one light fixture will remain lit during night time hours for security. The Planning Board questioned the location of the heating/cooling units and requested that the units be located away from the north side of the building to shield noise from the apartment buildings to the north side of the property. Member Szymanski questioned the legality of using shredded bark mulch against the building since it is flammable. Building Inspector Simme will check the NYS Building Code regarding the use of shredded bark mulch. The proposed site plan shows the loading dock on the north side of the building. Mr. Colucci stated that there will be 1 or 2 delivery trucks per week during the regular 10:00AM - 10:00PM store hours. Member Myszka asked if there was any way that the loading dock could be moved to the south side of the building away from the apartment buildings on the north side of the parcel. He said that this was requested by the Planning Board when the plans for this project were first submitted prior to the property rezone. Mr. Colucci stated that this plan is the footprint for all Kohl's stores and the owners do not want to change it. Mr. Myszka then stated that he felt that the Planning Board had "bent over backwards" to have this property rezoned, and now it seems that the owners will not even consider making this change which would make a big difference to the neighbors who live in the apartments to the north. Member Socha agreed with Member Myszka and also stated that although the people in the apartments are not the owners, they have made a financial investment in apartment leases and deserve some consideration from Kohl's regarding the placement of the loading dock on the south side of the building. He also said that he felt that Kohl's refusal to consider this change was a slap in the face. Member Anderson also agreed and went on to say that in the past other projects that have come before the Planning Board were asked to change their plans and even flip their entire buildings and they agreed to do so. She felt that Kohl's owners were being arrogant by not even considering to move the loading dock

DETERMINATION

Based on the information provided to the Planning Board, Melvin Szymanski made a motion to recommend approval of the site plan to the Town Board with the following conditions: 1. Height of light standards will require a variance from the Zoning Board of Appeals. Planning Board recommends 32' height including standards with flatlenses. 2. Additional screening on north side to include 7' Norway Spruce and fencing according to recommendation of Crew Chief Terrence McCracken. Additional screening along east line in

groups or clusters. 3. Detention basin to include an aeration pump. 4. Heating/cooling units to be located away from the north side of the building to minimize noise migration. 5. Clarify legality of shredded bark mulch against building. Motion seconded by John Gober and duly carried by a vote of 4 ayes and 3 nays.

REZONE-PROPOSED PATIO HOMES, PROJECT NO. 5067. PRESENT ZONING A-R, PROPOSED ZONING MFR-3 FOR THE PURPOSE OF 69 PATIO HOMES.

William Tuyn, Rehm-Peterson, presented to the Planning Board the proposed rezone of the 18.76 acres at 5067 William St. The present zoning of the parcel is A-R. The proposed zoning is MFR-3 for the purpose of 69 patio homes. This project was adjourned at the November 19, 2003 Planning Board Meeting, as the Planning Board requested that the applicant provide the Planning Board with maps to patio home developments in the surrounding areas and addresses of single-family homes built by Homes by Natale. Planning Board members have since received these items. After a brief discussion, Chair Keysa polled the Planning Board regarding whether to bring patio homes into a single-family home neighborhood. The Planning Board unanimously agreed that this project is not in character with the surrounding neighborhood and recommended denial of the rezone.

DETERMINATION

Based on the information provided to the Planning Board, Rebecca Anderson made a motion to recommend denial of the rezone. Motion was seconded by Melvin Szymanski and duly carried by a vote of 6 ayes. Chair Keysa abstained from voting since he represented the prior owner in the sale of the property to Homes by Natale approximately twenty years ago.

At 8:50 PM Michael Myszka made a motion to adjourn the meeting in memory of Michael Mikula and Irene Dwyer, both former Town of Lancaster employees. Motion was unanimously seconded and unanimously carried.